



W.P.(MD)No.1356 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 23.01.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.1356 of 2024

1.Thiruvengkatachari
2.Priya

...Petitioners

/Vs./

1.The Deputy Inspector General of Registration of Tamil Nadu,
Madurai Division,
Combined Registration Office Building,
TNAU Nagar, Rajakambiram, Y.Othakadai,
Tirumohur Road, Madurai 625 107.

2.The District Registrar (Administration),
Madurai (South),
Madurai.

3.The Sub Registrar,
Joint IV Registration Office,
Madurai South, Madurai.

4.Muthurajan

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal in Na.Ka.No.63/A4/2023 preferred by the petitioners within a reasonable time to be fixed by this Court.



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For Petitioners : Mr.P.Ganapathi Subramanian

For Respondents : Mr.C.Satheesh (R1 to R3)

Govt. Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 1st respondent to dispose the appeal in Na.Ka.No.63/A4/2023 preferred by the petitioners within a reasonable time to be fixed by this Court.

2. According to the petitioners, the first petitioner is the adoptive son of one Lakshmiammal, who is the sister of the fourth respondent, who is none other than the biological father of the first petitioner. She wrote a registered adoption deed cum will in favour of the first petitioner, who in turn, executed a registered gift deed in favour of the second petitioner on 06.06.2014, who is the wife of the first petitioner. A suit in OS No.221 of 2015 on the file of the IV Additional District Judge, Madurai filed by the fourth respondent and another suit in OS No.44 of 2022 on the file of the I Additional District Judge, Madurai filed by the petitioners were pending.



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3. While this being so, the second respondent issued the proceedings dated 06.09.2022 deciding the tile over the property in favour of the fourth respondent, even without issuing any notice to the petitioners, as against which, the petitioners filed an appeal in Na.Ka.No.63/A3/2023. Since the same is still pending, this writ petition has been filed.

4. The learned Government Advocate appearing for the official respondents on written instructions submits that the parties have already been heard and that the petitioners' appeal will be disposed of by the first respondent in accordance with law within the time stipulated by this Court.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the official respondents. Notice to the fourth respondent is dispensed with, since no adverse order is going to be passed against him in this writ petition.

6. In view of the above said submission, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to dispose of the appeal in Na.Ka.No.63/A4/2023 filed by the petitioners and pass appropriate orders on merits and in accordance with law, after affording an



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opportunity of hearing to the parties concerned, especially, the petitioners and the fourth respondent, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ Petition stands disposed of. No costs.

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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23.01.2024
(2/2)



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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(2/2)

Dated:
23.01.2024